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7 *Karen A. Macaulay*

8
9 **UNITED STATES DISTRICT COURT**
10 **FOR THE DISTRICT OF NEVADA**

11 METROPOLITAN LIFE INSURANCE
COMPANY,

12 Plaintiff,

13 v.

14 DAVID M. DOWNES, DANIEL R.
DOWNES, COLLEEN P. DOWNES,
15 KAREN A. MACAULAY, BRADLEY
RANDALL, CHRISTA D. SHEDD,

16 Defendants.
17

Case No. 2:22-CV-00894-MMD-BNW
ORDER GRANTING
STIPULATION AND PROPOSED
ORDER TO DISBURSE INTEREST
EARNED ON BASIC LIFE PORTION
OF THE INSURANCE POLICY

18 Defendants David M. Downes, Daniel R. Downes, Colleen Downes, and Karen Macaulay
19 (hereinafter, the “Downes Defendants”), and Defendants Christa D. Shedd aka Christa D. Downes
20 and Bradley Randall (hereinafter, the “Shedd Defendants”), by and through their counsel of record,
21 hereby present their Stipulation and Proposed Order to Disburse Interest Earned on Basic Life
22 Portion of the Insurance Policy.

23 On August 2, 2023, this Court granted Amended Stipulation to Complete Interpleader in
24 the amount of \$854,330.10. (ECF No. 46). On August 7, 2023, Plaintiff completed the interpleader
25 by depositing the amount of \$854,330.10 with the Clerk of Court. (ECF No. 48). The completed
26 interpleader amount consisted of \$542,000.00 in Basic Life portion of the insurance policy,
27 \$250,000.00 in Supplemental Life portion of the insurance policy, and the accrued interest on both
28

1 the Basic Life and Supplemental Life portions of the insurance policy in the amount of \$62,330.10
2 (the total interest of \$71,214.90 less Plaintiff's attorney's fees and costs of \$8,884.80). On
3 February 5, 2024, this Court ordered the entirety of the Basic Life portion of the policy in the
4 amount of \$542,000.00 to be disbursed for the benefit of the Downes Defendants. (ECF No. 54).
5 After the disbursement, the balance in the interpleader amount is \$312,330.10, which consists of
6 \$250,000.00 in Supplemental Life portion of the insurance policy and \$62,330.10 in accrued
7 interest on both the Basic Life and Supplemental Life portions of the insurance policy.
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9 IT IS STIPULATED AND AGREED by and between the Downes Defendants and the
10 Shedd Defendants that no dispute exists regarding the interest accrued from the Basic Life portion
11 of the insurance policy. The Downes Defendants and Shedd Defendants stipulate and agree that
12 the Basic Life portion of the insurance policy (\$542,000.00) represents 68.43% of the total
13 insurance proceeds, the Basic Life portion plus the Supplemental Life portion (\$792,000.00). The
14 parties stipulate and agree that the interest earned from the Basic Life portion of the insurance
15 policy totals the sum of \$42,652.49, which is 68.43% of the total accrued interest (\$62,330.10).
16 The parties stipulate and agree that the remaining amount of \$19,677.61 is the interest earned from
17 the Supplemental Life portion of the policy.
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1 IT IS STIPULATED AND AGREED by and between the Downes Defendants and the
2 Shedd Defendants that the interest earned from the Basic Life portion of the policy, and interpled
3 with the Court, \$42,652.49 shall be disbursed to the Downes Defendants. The Downes
4 Defendants hereby submit their Authorization for Disbursement of Funds in the amount of
5 \$42,652.49 to the trust account of Clark McCourt law firm. (**Exhibit 1**).
6

7
8 DATED this 20th day of June, 2024.

DATED this 20th day of June, 2024.

9 CLARK MCCOURT

NEHME-TOMALKA AND ASSOCIATES


10
11 /s/ Lukas B. McCourt
12 Brian P. Clark
13 Nevada Bar No. 4236
14 Lukas B. McCourt
15 Nevada Bar No. 11839
16 7371 Prairie Falcon Road, Suite 120
17 Las Vegas, NV 89128
18 *Attorneys for Defendants David R. Downes,*
Daniel Downes, Colleen P. Downes, and
Karen A. Macaulay

/s/ Doris Nehme-Tomalka (with permission)
Doris Nehme-Tomalka
2620 Regatta Drive, Suite 102
Las Vegas, NV 89128
Attorney for Defendants
Christa Downes aka Christa Shedd and
Bradley Randall

19
20 **ORDER**

21 It is hereby ordered that the Clerk of Court disburse the sum of Forty-Two Thousand Six
22 Hundred Fifty-Two Dollars and Forty-Nine Cents \$42,652.49 to the Clark McCourt Client Trust
23 Account, for the benefit of David M. Downes, Daniel R. Downes, Colleen P. Downes, and Karen
24 A. Macaulay.

25 DATED: June 20, 2024

26
27 
28 UNITED STATES DISTRICT JUDGE

CERTIFICATE VIA CM/ECF

Pursuant to FRCP 5, I hereby certify that I am an employee of CLARK MCCOURT and that on the 20th day of June, 2024, I caused to be served via CM/ECF a true and correct copy of the document described herein.

Document served: **STIPULATION AND PROPOSED ORDER TO DISBURSE
INTEREST EARNED ON BASIC LIFE PORTION OF THE
INSURANCE POLICY**

Kristina N. Holstrom
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Las Vegas, NV 89135
Attorney for Plaintiff

Doris Nehme-Tomalka
Nehme-Tomalka and Associates
2620 Regatta Drive, Suite 102
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Attorney for Defendant
*Christa Downes aka Christa Shedd and
Bradley Randall*

/s/ Won Lee
An employee of Clark McCourt

Won Lee

From: Doris Nehme-Tomalka, Esq. <doris@nehme-tomalka.com>
Sent: Wednesday, June 19, 2024 3:49 PM
To: Won Lee
Cc: Brian Clark
Subject: Re: Downers Interpleader - SAO to Disburse Interest on Basic Life/ Joint Pretrial Order

Good Afternoon,

Thank you Won. You have my permission to submit the proposed Stipulation to the Court using my e-signature.

Doris Nehme-Tomalka, Esq., LL.M.
Nehme-Tomalka & Associates
2620 Regatta Drive, Suite 102
Las Vegas, Nevada 89128
702-240-5280 (Ph); 702-446-0084 (Fax)

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On Wednesday, June 19, 2024 at 01:30:25 PM PDT, Won Lee <wlee@clarkmccourt.com> wrote:

Good afternoon Doris –

Please let us know if you had a chance to review the draft of the SAO to disburse the earned interest on Basic Life which we emailed to you on 6/11/24. I am attaching a copy for your convenience.

Also, the Joint Pretrial order is due on 7/3/24 per the Court's order. We will send you a draft next week for your input. Thank you.

Sincerely,

Won Lee

Paralegal

Brian P. Clark and Lukas B. McCourt



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AUTHORIZATION FOR DISBURSEMENT OF FUNDS

The undersigned, Karen A. Macaulay, David M. Downes, Daniel R. Downes, and Colleen P. Downes (hereinafter, collectively “Downes Defendants”), are defendants in the interpleader action, *Metropolitan Life Insurance Company v. Daniel R. Downes, et. al.* (United States District Court, District of Nevada, Case No. 2:22-cv-00894-MMD-BNW). Downes Defendants, Defendant Christa D. Shedd a/k/a Christa D. Downes, and Defendant Bradley Randall have stipulated and agreed that the interest earned from the Basic Life portion of the insurance policy in the amount of \$42,652.49 shall be disbursed to Downes Defendants. A Stipulation and Proposed Order To Disburse Interest Earned On Basic Life Portion Of The Insurance Policy is being submitted herewith. Upon the entry of the said order, Downes Defendants hereby request disbursement of the funds in the amount of **\$42,652.49 made payable to Clark McCourt Client Trust Account, for the benefit of David M. Downes, Daniel R. Downes, Colleen P. Downes, and Karen A. Macaulay.**

Dated: 06/20/2024



Karen A. Macaulay

Dated: 06/20/2024



David M. Downes

Dated: 06/20/2024



Daniel R. Downes

Dated: 06/20/2024



Colleen P. Downes